UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1995/SR.2
7 August 1995

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-seventh session

SUMMARY RECORD OF THE SECOND MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 August 1995, at 10 a.m.

Chairman: Mr. MAXIM

later: Mr. EIDE

CONTENTS

ORGANIZATION OF WORK

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.95-13189 (E)

The meeting was called to order at 10.15 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN informed the Sub-Commission that the officers had met on the previous afternoon to discuss the organizational aspects of the Sub-Commission's work and had made certain recommendations. The revised agenda would be issued shortly; item 12 would be deleted and a new item 21 would be introduced, with consequential renumbering of the relevant items.

2. The provisional timetable as proposed by the officers appeared on the reverse side of the current order of the day. In making its recommendations, the officers had taken into account, inter alia, the constraining factors of the availability of documentation and the need to provide special rapporteurs with an opportunity to present their reports. With regard to the consideration of item 6, the officers had decided that the list of speakers would be closed at 6 p.m. on 1 August 1995. However, in view of the new situation in the Sub-Commission, it was the intention of the officers to remain flexible and to accommodate the interests of all participants wishing to take the floor on that item. Speaking time allowed might have to be reduced to less than 10 minutes.

3. As in previous years, the officers recommended the establishment of a working group on the administration of justice and the question of compensation. Regional groups were requested to hold consultations and to indicate, during the course of the present meeting, the candidate they proposed for membership in that working group.

4. In accordance with established practice and for the purpose of presenting reports and participating in discussions pertaining to them, the officers recommended that special rapporteurs who were no longer members of the Sub-Commission should be invited to attend the current session when agenda items relevant to their reports were discussed. The Special Rapporteurs concerned were Mr. Sachar, in respect of item 8, and Mr. Despouy, in respect of items 8 and 10. In addition, the officers recommended that Mr. Musah Hitam, Chairman of the Commission on Human Rights at its fifty-first session, Mrs. Calcedas-Santos, the Commission's Special Rapporteur on the sale of children, and Mr. Glele-Ahanhanzo, the Commission's Special Rapporteur on racial discrimination, should be invited to participate in the Sub-Commission's discussions, as provided for in the appropriate resolutions of the Commission on Human Rights.

5. In making its recommendations, the officers had taken into account the guidelines which the Sub-Commission had adopted in resolution 1992/8 concerning its methods of work. Accordingly, members of the Sub-Commission might speak at any time; observers for organizations would speak first, followed by observers for Governments. Members would be allowed a maximum of 15 minutes' speaking time for one or more statements on each item; special rapporteurs would be allowed 20 minutes, to be divided between the introduction of the report and the concluding remarks; observers for States would be allowed a maximum of 10 minutes, including 5 minutes for statements immediately before voting when their country was implicated; in the case of statements equivalent to a right of reply, 5 minutes would be allowed for the

first statement and 3 minutes for the second; observers from non-governmental organizations would be allowed a maximum of 10 minutes, with 16 minutes for joint statements; observers for intergovernmental organizations, specialized agencies and national liberation movements would be allowed the same speaking time as observers for States. The list of speakers had been opened at the beginning of the session and its closure would be announced in good time; when there were no more speakers on the agenda items for a particular meeting, the Sub-Commission would, if necessary, take up the next item on its timetable without closing the discussion on the preceding item. Draft resolutions and draft decisions should be submitted at least three working days before the date on which they were scheduled to be put to a vote, that deadline being set at four days in cases involving financial implications.

6. The officers wished to draw the attention of all members of the Sub-Commission to resolution 1995/27 and decision 1995/111 adopted by the Commission on Human Rights at its fifty-first session, under which the Sub-Commission was requested to reconsider its recommendations concerning the appointment of Mrs. Warzazi and Mr. Chernichenko as new special rapporteurs. It was the intention of the Chairman to start each meeting on time, and members were therefore requested to be in the conference room at 10 a.m. and at 3 p.m.

7. Mr. KHALIFA said that 15 minutes' speaking time might not be enough for agenda item 6, which was very broad in scope. He therefore suggested that the speaking time for that item should be extended to 30 minutes.

8. Mr. YIMER expressed his disagreement with that suggestion, indicating that the Sub-Commission could not afford to allow 30 minutes per speaker.

9. Mrs. ATTAH said that the emphasis should be on flexibility. Some members might take up only 10 minutes, and the Chairman should show understanding when other members wanted more time.

10. The CHAIRMAN observed that the officers had decided to provide enough time for everyone to participate in the discussion on item 6. It was difficult to take a decision on flexibility at the present stage, since that would depend on the number of speakers, which was not yet known.

11. Mr. JOINET said that the consideration of item 6 would require two whole days. The proceedings could be facilitated if more time were allowed for the submission of draft resolutions, especially those having financial implications.

12. The CHAIRMAN said that the officers would look into that point.

13. Mrs. WARZAZI agreed that more time should be allowed for the submission of draft resolutions having financial implications. The 30 minutes' speaking time suggested by Mr. Khalifa seemed to her to be enormous. She herself needed only 10 minutes, although she realized that some members might need more.

14. Mr. KHALIFA explained that he had intended that the period of up to 30 minutes should be allowed only for members. He would, however, be

satisfied if greater flexibility could be shown. Some members spoke for only 10 minutes, while others might need at least 20 minutes. No doubt the Chairman would display wisdom and manage the proceedings as the Sub-Commission expected.

15. The CHAIRMAN said that he would discriminate positively in favour of members.

16. Mrs. WARZAZI inquired whether the suggestion which she had made at the previous meeting regarding the implementation of the human rights of women had been accepted.

17. The CHAIRMAN replied in the affirmative.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUBCOMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (E/CN.4/Sub.2/1995/8 and 41; E/CN.4/Sub.2/1995/NGO/3; E/CN.4/1995/55)

18. Ms. LUONG THI NGA (Pax Romana) noted that, with the universal recognition of the imprescriptibility of crimes against humanity, action had been taken to deal with crimes committed against many peoples, including the Armenians, the Jews, the peoples of the former Yugoslavia and of Rwanda, and Korean women. However, the crimes against humanity committed against the Vietnamese people were not known to the international community because the perpetrators had all the wherewithal to distort history, to silence witnesses, and to cause any embarrassing evidence to disappear. Accordingly, as a Vietnamese woman, she was appearing before the Sub-Commission in order to reveal the existence of crimes against humanity perpetrated by the Vietnamese Government against its own subjects. The provisions of article 47 of the Penal Code of the Socialist Republic of Viet Nam recognized the imprescriptibility of the crimes against humanity provided for in article 278 of the same Code.

19. Since the proclamation of Ho Chi Minh as head of the Government of independent Viet Nam on 2 September 1945, the Vietnamese Government had engaged in barbaric persecutions and massive and persistent violations of the human rights of those who refused to accept the Marxist-Leninist ideology coercively recommended by government propaganda. The first victims were the followers of the five religions in Viet Nam - Catholicism, Protestantism, Cao Dai, Hoa Hao Buddhism and the various branches of Vietnamese Traditional Buddhism - many of whose corpses had been found in numerous charnel houses such as those at Nghia Trung, Long Hoà and Trung Lâp Thuong in the case of the Cao Dai and those at Phu Lâm, Phu Thuân, the mouth of the Mekong River and Tân Phu in the case of the Hoa Hao Buddhists. Furthermore, over 5,700 corpses of persons killed during the 1968 Tet offensive had been discovered in the province of Thua Thien alone.

20. Her organization had been revealing the existence of those barbarous crimes, skilfully hidden by the Vietnamese Government, for seven years. It had been heard by United Nations experts, and its revelations had been mentioned in the two reports by Mr. A.B. Abdelfattah Amor, the Special

Rapporteur on religious questions (E/CN.4/1994/79 and E/CN.4/1995/91). The time had now come to draw attention to other crimes repugnant to the human conscience. They included the barbarous persecution of over 1 million disabled ex-servicemen, widows and orphans who had been brutally expelled from hospitals, training establishments and rehabilitation centres and deported with their families to the disguised gulags known as "new economic zones", where there were no welfare, medical or educational facilities. Their houses, property and orthopaedic aids had been confiscated and given to disabled persons on the winning side and to party cadres. Their social security benefits had been cancelled in disregard of all humanitarian considerations and of the elementary principles of administrative continuity. Even worse, the private humanitarian aid sent to them by compatriots overseas had been confiscated and the frontiers had been hermetically sealed to any international humanitarian entity that had tried to help them during the 17 years since the cessation of hostilities. The purpose of all those machiavellian measures was to isolate those concerned and to cause them to die of privation, disease, exhaustion, despair or suicide. Many thousands of disabled persons had already succumbed. Massive and planned profanations of tombs had also taken place, a particularly serious occurrence in a country where ancestor worship was practised.

21. The leaders of the Vietnamese Government persisted in denying the evidence. Only the establishment of an ad hoc international criminal court could confound them and combat impunity.

22. Ms. BOUVIER (Minority Rights Group) drew attention to the importance of preventing conflicts and gross abuses of human rights, which were often linked to the denial of minority rights and of the full participation of all communities in the life of a State. That was true in Iraq, Rwanda and the former Yugoslavia, as well as in the conflicts that had taken place in Cambodia, Guatemala, the northern Caucasus and Tajikistan. The Minority Rights Group wished to focus on one situation where there had been a conflict, a period of peace, and now a new conflict, providing evidence as to how conflict resolution without respect for minority rights was built on shifting sand. The country concerned was Sudan, where there was a conflict that did not follow the simplistic divide between a Muslim north and a Christian south. The Sudan was a large, populous and humanly diverse country. Power, however, had remained in the hands of a small elite within Khartoum and the north. Since 1983 the civil war had intensified following an army mutiny and the formation of the Sudan People's Liberation Army (SPLA), which aimed to bring all the fragmented southern guerrilla movements together to fight for a restructuring of the whole Sudan, not just the south. The war was still continuing, and the SPLA was still far from its goal. Thousands of civilians had died, and killing, rape, looting and abduction were commonplace, with widespread human rights abuse by both sides in the conflict.

23. Islam was the State religion, although only about 60 per cent of the population was Muslim. Despite that, Shariah law had been introduced in September 1983. Although it had never been implemented in the south, it had been used against many minority groups in the north and was seen as a major threat in southern Sudan. Popular dissatisfaction with the oppressive

application of the Shariah had been one of the decisive factors in the overthrow of Mr. Nimeiri in 1985 and it remained a key issue for peace at the moment.

24. One of the many groups to suffer oppression on religious grounds were the Copts. Although there were less than 200,000 of them in Sudan, their presence dated back over 1,300 years. When Mr. Al-Bashir had come to power in 1989, hundreds of Copts had been dismissed from the civil service and the judiciary, and restrictions on the right of Copts to Sudanese nationality had followed. Furthermore, the Copts had been forcibly recruited into the army and pitched into the "holy war" against Christians and others in the south. Faced with such hostilities, many Copts had fled the country.

25. The Nuba had been drawn into the civil war over land, with the encroachment of Arab Baggara settlers and Northern Gellaba traders on their most fertile plains. The Central Government had backed a Baggara militia to fight the Nuba. The militia had attacked numerous villages, killing thousands. In addition, some 20,000 to 30,000 Nuba had been deported from the Nuba mountains to so-called "peace villages" in semi-desert areas where intensive Islamization campaigns were being directed by the Government. Other deportees were being forced to work on Baggara farms situated on lands which the Nuba had previously owned.

26. Most minorities had been systematically oppressed by successive Governments, but the Al Bashir regime had developed and extended that oppression. Muslims were being oppressed for failing to adhere to the radical form of Islam laid down by the National Islamic Front, which was shaping many of Al Bashir's policies. The United Nations Special Rapporteur on the Sudan had noted grave violations of human rights. His full report (E/CN.4/1994/48), submitted to the Commission on Human Rights in February 1994, had firmly concluded that grave and widespread violations of human rights by government agents and officials, as well as abuses by members of the SPLA factions in zones controlled by them, continued to take place. In such circumstances the Minority Rights Group recommended that the gross abuse of human rights by the Government and government actors should be condemned by the Sub-Commission; that the Sub-Commission should advise the Commission on Human Rights to strengthen the mandate of the Special Rapporteur on the Sudan, taking measures to enable him to visit areas where human rights abuses were reported; that those involved with conflict resolution should ensure that human rights perspectives were maintained and that perpetrators of grave violations of human rights were brought to justice; and that any peaceful transformation should take full account of the rights of minorities, in particular of their right to participate in the decision-making process, with the Centre for Human Rights being encouraged to facilitate that at the appropriate time.

27. Ms. WESCHLER, (Human Rights Watch) said that the continuing high incidence of human rights violations in Colombia impelled her organization to call for the appointment of a special rapporteur.

28. Most of the civilian offices responsible for the protection of human rights were staffed in large part by dedicated professionals but had no power to investigate, try or sanction members of the security force. One of the linchpins of impunity in Colombia was the practice of trying members of the

security forces implicated in human rights violations in military courts, where they had been routinely absolved. In that connection it was important to bear in mind that President Samper had decided not to support the "Disappearances Bill" in 1994 which would have mandated that security force officers implicated in disappearances would be investigated by civilian prosecutors and tried in civilian courts.

29. Torture remained a common occurrence not only for those suspected of having committed political crimes, but also for those suspected of having committed common crimes. A recent study by respected human rights groups in Barrancabermeja had found that, of 183 individuals detained by soldiers or police between January 1993 and June 1994, 170, or 93 per cent, had reported being tortured. Particularly worrisome was the establishment by the Government of rural security cooperatives, also called "vigilance associations", consisting of groups of civilians working in close cooperation with the police and military to combat guerrillas in rural areas. Human Rights Watch was concerned that those groups were becoming yet another paramilitary group in Colombia. The State had so far proved itself unable to monitor paramilitary groups, or to prosecute members, including members of the security forces, who had committed abuses. Human Rights Watch remained concerned that the Government was giving tacit approval to existing paramilitary groups.

30. The Government had taken some steps to curb violations. In a speech delivered in September 1994, President Samper had supported the ratification of Protocol II Additional to the Geneva Conventions and, when a combined government-civilian commission had delivered to him a report in January 1995 on the Trujillo massacres, which had involved the killing of 107 people in 1990, he had accepted its conclusion that members of the security forces and judiciary had either been directly involved in the killings of 34 people or had helped cover up the identities of the murderers. The following day, an army major who had not only allowed the killings to take place but had been an active participant had been dismissed. Although the major had been identified five years earlier as a suspect in those killings, he had remained in active service and been promoted normally until the commission had presented its findings. As several courts had already absolved him of guilt in proceedings that were currently considered to have been seriously flawed and the statute of limitations had expired, he would not be retried and would remain unpunished.

31. Against that background, Human Rights Watch urged the Sub-Commission to invite the Commission on Human Rights to consider the human rights situation in Colombia under item 10 of its agenda and to appoint a special rapporteur for Colombia.

32. Mr. TEITELBAUM (American Association of Jurists) said that he wished to draw the Sub-Commission's attention to certain situations in a number of countries in the American continent.

33. In Colombia, political assassinations, torture and disappearances were continuing to take place in 1995 on the same scale as in 1994 and the principal victims continued to be peasants and workers. It had been reliably reported that in the first three months of 1995, 158 peasants and 91 workers

had been murdered while 44 peasants and 8 workers had been tortured or had disappeared. In the discussion on Colombia in the ILO Committee on Standards at the 1995 International Labour Conference, it had been stated that in 1994 and the first half of 1995 summary executions, disappearances, torture and death threats by members of the security and paramilitary forces had continued; during the first two months of the new presidential term, 27 trade union members had been assassinated while in 1994 at least 187 trade union members had been murdered. At the same meeting, the representatives of Colombian workers had confirmed the existence of a situation of violent repression against trade union members which was being implemented with complete impunity.

34. The Colombian Government had received the Special Rapporteurs on summary executions and on torture; it had also received the High Commissioner for Human Rights. Such an apparent desire to cooperate had not, however, been reflected in political will to control military and State repression against the Colombian workers and people. On the contrary, senior officials responsible for serious violations of human rights, including Major-General Juan Salcedo Lora and Colonel Luis Alfonso Plazas Vega, had been rewarded with diplomatic posts instead of being punished. Their posting to Germany had not been acceptable to that country because of their background. However, General Salcedo Lora was currently Military Attaché at the Colombian Embassy in Washington while Colonel Plazas Vega was Consul in San Francisco.

35. Clearly, the sporadic activities of United Nations officials and experts were not sufficient to improve the situation of human rights in Colombia to any significant extent. The American Association of Jurists accordingly would suggest that the Sub-Commission should appoint a special rapporteur to investigate the situation in that country and propose pertinent recommendations.

36. The American Association of Jurists also considered that the Sub-Commission should address the situation of human rights in the United States of America. The Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination and xenophobia had already submitted a detailed report on his visit to that country (E/CN.4/1995/78, Add.1) and had noted the persistence of racism and racial discrimination and other serious violations of human rights. The Human Rights Committee had also dealt with the human rights situation in the United States when it had considered the report of that country in March 1995. The comments of the Committee (CCPR/C/79/Add.50) revealed a frankly disquieting human rights situation in the United States. The Committee deplored the extent of the reservations, declarations and interpretations entered by the United States when it had ratified the International Covenant on Civil and Political Rights. The United States had also made reservations to the Convention on Racial Discrimination and had shown its contempt for international standards and institutions when it had failed to accede to two basic ILO Conventions, No. 87 on Freedom of Association and Protection of the Right to Organize and No. 98 on the Right to Organize and Collective Bargaining. It had refused to accept the jurisdiction of the International Court of Justice which had condemned its illicit activities in Nicaragua; it had never shown respect for the GATT agreements and it had already begun to violate the agreements of the International Trade Organization. The Human

Rights Committee had also drawn attention to the excessive number of offences for which the death penalty could be invoked and the number of persons condemned to death, as well as to death sentences passed on minors and the mentally retarded. The Committee had also expressed concern at the lack of procedural guarantees available to non-admissible aliens and, in particular, it had taken note that those who could not be deported or extradited, could be detained indefinitely. In the United States thousands of foreigners, whether or not they had entered the country legally, were being arbitrarily and indefinitely detained without legal process or sentencing. There were also many cases of negro militants, Puerto Rican separatists and members of other popular movements serving long prison sentences as a result of irregular proceedings. The Human Rights Committee also continued to express concern at violations of human rights involving sub-standard conditions in prisons, shortcomings in the legal system and the situation of indigenous peoples as well as the extreme poverty in which a substantial proportion of the population lived.

37. Recently declassified government documents had shown that experiments involving radioactive material had been carried out on pregnant women, on the mentally retarded as well as on other United States citizens. On 4 May 1993, the International Herald Tribune had reported that similar experiments had been conducted on Eskimos during the 1950s. President Clinton had promised an investigation into those reports but to date nothing had happened.

38. The American Association of Jurists accordingly urged the Sub-Commission to investigate the human rights situation in the United States which affected not only the people of the United States but also the entire international community, bearing in mind the leading position of the country in the world.

39. In Guatemala, human rights violations continued at their customary pace and the Government seemed incapable of assuring the security of its citizens. The situation called for more energetic action by the international community, in particular by the Sub-Commission, with a view to safeguarding the human rights of the Guatemalan people, especially during the forthcoming elections.

40. In Peru, a recent law granting unrestricted amnesty to all the authors of serious violations of human rights was an insult to victims and their families and to the entire Peruvian people. The Lima judge, Antonia Saquicuray Sanchez had declared the law to be contrary to the Constitution of Peru and to international instruments to which Peru was party. The Sub-Commission should condemn that law and express its solidarity with the Peruvian magistrates, Saquicuray Sanchez and Magallanes Cortez.

41. The American Association of Jurists wished also to express its concern at the efforts of the military establishment of Chile, headed by General Pinochet, to impede the course of justice by supporting General Manuel Contreras and Brigadier Pedro Espinoza who had recently been found guilty of the assassination of Orlando Letelier, a minister in the Government of President Salvador Allende. The attitude of the military establishment was seditious and represented an open defiance of the democratic institutions of Chile. The international community could not remain indifferent in such a situation.

42. Mr. ARTUCIO (International Commission of Jurists) said that Colombia had one of the highest rates of murder with violence, standing at almost 30,000 each year, while impunity was officially estimated at 97 per cent. In addition to those violent deaths, many of which could be described as extralegal executions, there were also forcible disappearances. All that had brought about a loss of confidence in the State agencies responsible for crime prevention and the administration of justice. Those responsible for political assassinations, accounting for 13 per cent of the total number of violent deaths, were, in descending order, the security forces, paramilitary groups, guerrilla organizations and drug traffickers.

43. Against that background, a high degree of risk attached to the professions of lawyer, judge or human rights advocate. In March 1995, the International Commission of Jurists had reported the assassination during the previous year of 32 jurists while another 13 had received death threats.

44. The efforts deployed by United Nations bodies were obviously inadequate and had failed to correct the situation. The Government had not implemented a number of the recommendations made by those bodies. Although the Colombian legal system did have good instruments and institutions for the protection of human rights, they did not function properly.

45. The International Commission of Jurists accordingly wished to reiterate its earlier request that the Sub-Commission should request the Commission on Human Rights to appoint a special rapporteur for Colombia to monitor the situation continuously, to coordinate his efforts with those of other United Nations human rights bodies and to report regularly to the Commission.

46. Since 1993 the International Commission of Jurists had drawn the attention of the Sub-Commission to the continuing deterioration of the human rights situation in Nigeria. Notwithstanding a number of declarations by the Government indicating its willingness to comply with the rule of law and promote a transition to democracy, government by administrative decree and the increasing number of indiscriminate detentions of persons who had not committed any crime, showed clearly that such declarations were of little value. His organization was particularly concerned by the recent trial and sentencing, behind closed doors, of 40 military and civilian personnel for an alleged coup d'état attempt. Sentences had ranged from 20 years to life imprisonment for civilians and the death penalty for military officers. Those sentenced had included General Olusegun Obasanjo, the only military officer in the history of Nigeria to have handed over power to a civilian Government. The International Commission of Jurists accordingly reiterated its request that the Commission on Human Rights should appoint a special rapporteur for Nigeria.

47. The International Commission of Jurists was greatly alarmed at the inability or lack of will of the international community to adopt effective measures with a view to stopping the appalling infractions of international humanitarian law in Bosnia and Herzegovina. It was essential that international action should be taken not only to protect human lives and dignity but also the credibility of the United Nations. In that connection it welcomed the 24 indictments, including that concerning the Bosnian-Serb leader Radovan Karadjic, issued by the International Tribunal for the Prosecution of

Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia. The International Commission of Jurists had provided information and other support to the Tribunal and it was convinced that the Tribunal and the corresponding tribunal for Rwanda represented effective steps towards the creation of a standing international criminal jurisdiction which could cope with such situations. His organization would participate in the second session of the ad hoc committee established by the General Assembly in 1994 for the purpose of revising the draft statute prepared by the International Law Commission for the establishment of a standing international criminal court. His organization hoped that the ad hoc committee would recommend to the General Assembly the adoption of measures leading to the convening of a conference of plenipotentiaries to set up such a tribunal. The establishment of an international criminal court would be an important step towards reaffirming the principles and purposes of the United Nations.

48. Mr. BAGHISTANI (International Committee for European Security and Cooperation) said that he wished to speak about the violations of human rights perpetrated against the Kurdish people in Turkey and Iraq as well as similar violations which had recently taken place in some European countries against Kurdish minorities.

49. In Iraq whole families had been executed; hundreds of prisoners were still languishing in Iraqi jails. Anyone engaging in any political activity in Iraq was immediately charged as a spy. The Government of Iraq had announced an amnesty for all except those held for espionage. A number of European countries as well as the United States of America had citizens in Iraq. All were aware that any politician who tried to exercise a political function in Iraq would inevitably be charged with espionage; consequently every real politician had been exempted from the amnesty.

50. Turkey had not contented itself with injustices against its Kurdish population and the denial of the legitimate democratic rights of the Kurdish people in Turkey pursuant to the laws governing the status of minorities and the Geneva Conventions. Turkey was not content with its war of genocide against the Kurds in Turkey but had recently started a military campaign during which 160 Kurdish villages had been destroyed. The events had been seen by all on television. Those violations of human rights and the silence of the United Nations and European countries had resulted in instability elsewhere. A few days earlier, 10,000 political prisoners in Turkish jails had engaged in a hunger strike while approximately 4,000 people in a number of European States had shown solidarity with those prisoners. His own sister-in-law, the mother of five children, had died as a martyr in those activities. Her family had asked that she should be buried in Iraq but both Turkey and Iraq had refused the necessary permission.

51. The description of human rights violations of the Kurds represented facts and not propaganda as had been claimed by the regimes concerned. Instability in Turkey was currently being reflected in Germany, Belgium, the Netherlands and Switzerland and even in the United Nations. He therefore appealed to the Sub-Commission to bring appropriate pressure to bear on the regimes of Iraq and Turkey so that they would recognize the legitimate rights of those minorities. Thirty-five million Kurds were being treated as though they did

not exist. Such a situation would inevitably lead to more instability which in turn would create extremist movements. In the final analysis, it would be the international community which would have been responsible for those extremist movements from which everybody would suffer.

52. Mr. GONZALEZ (Colombia), reviewing his Government's human rights policy, said that, in the year it had been in power, it had availed itself of the welcome advisory services and technical assistance provided by the United Nations Centre for Human Rights. It would rely upon the valuable recommendations made by the various special rapporteurs who had recently come to Colombia to familiarize themselves with the problems it was facing, and had proposed that they and other rapporteurs who would visit the country in the future should set up a regular schedule of visits to ensure proper follow-up. As promised, the Government had set up a high-level commission composed of government officials and representatives of non-governmental organizations to study, implement and report on the recommendations of the Special Rapporteurs. After the meeting between the United Nations High Commissioner for Human Rights and President Samper, it had been agreed that a fact-finding mission would be sent to make recommendations on the human rights situation in the country.

53. Furthermore, pursuant to the recommendations of the Inter-American Commission on Human Rights, the Government had proposed a bill on compensation to victims of human rights violations, which would fill a current lacuna in Colombian legislation. The Administration had, of course, accepted responsibility for violent acts that had occurred between 1989 and 1990 and would consequently pay the compensation recommended in each case by the commission investigating those events.

54. A policy of peace and humanization of war was part of the Government's human rights programme, and accordingly talks were being held with insurgent forces on an unconditional cease-fire. Also, Congress had ratified Protocol II Additional to the Geneva Conventions; and the President had proposed to the insurgent forces that the International Committee of the Red Cross should be allowed to monitor compliance with the norms of international humanitarian law.

55. The Government realized that it must change the country's economic model to allocate the major part of the budget to social programmes. Its development plan gave priority to a strategy of economic development, social welfare and coexistence. Steps had been taken to strengthen the justice system, the observance of human rights and the safety of citizens. For the first time in the history of the country, human rights were an explicit component of the national development plan.

56. The Government had invited Amnesty International to open a permanent observer office in Colombia; the organization was not in a position to do so but planned to conduct a three-month inquiry in Colombia in 1995.

57. Together with the human rights committees of the two Chambers of Congress, the Government was reviewing the international human rights

instruments to which Colombia was not a party with a view to bringing the country's legislation into line with the most recent international legal developments.

58. The Attorney-General's Office had established in 1994 the National Unit for the Investigation of Human Rights to investigate serious violations of human rights and of international humanitarian law. In cooperation with the Netherlands, the Government had set up a national communications project for the protection of human rights, using computers to provide information speedily to bodies involved in the investigation and control of human rights violations.

59. The Government was planning to focus on the regions and areas hardest hit by the violence and would promote inter-institutional cooperation and the pursuit of concerted policies to further a climate of coexistence. The President had therefore proposed a bill expanding the duties of the Ministry of the Interior in order to improve local, regional and national coordination and institutional response to citizens' demands, and to defuse conflicts affecting human rights. A special programme was being designed to protect witnesses in trials involving human rights violations and to protect persons at risk for ideological or political reasons; and a central clearing house was being planned for information on disappeared persons and unidentified bodies.

60. The Military Penal Code was being revised to bring it into line with the 1991 Constitution by a high-level commission comprising government officials, military and police officers and the director of a major non-governmental human rights organization.

61. Lastly, with regard to the deaths of labour leaders, the Government was checking all reports and classified any homicide of persons involved in the labour movement as a political homicide. It should be noted that during the 1995 International Labour Conference labour leaders themselves had recently denounced the killing of more than 100 labour leaders by the guerrilla forces.

62. The Samper Administration was, in short, trying to set up a wide-ranging human rights programme that would meet international standards and recommendations.

63. Mr. CHISHI SWU (Society for Threatened Peoples) said that he had come as Chairman of the National Socialist Council of Nagaland to denounce the suppression of the Naga people and the occupation of their homeland by Indian and Burmese armed forces, in complete violation of Naga nationhood. Nagaland, lying between India, China and Burma, had been settled by a distinct Mongol race, the Nagas, thousands of years earlier, and had remained unconquered and independent until recent times. After a brief 66-year British occupation of part of their country, the Nagas had negotiated an agreement with India in 1947 by which they would freely decide after 10 years of self-government whether or not to join the Indian union. Within weeks, however, India had abrogated that agreement and threatened to use force to compel union. The Nagas, although committed to the doctrine of non-violence, had steadfastly refused any option but self-determination. In 1947 Nagaland had formally declared its independence, one day before India's independence; it had also informed the United Nations and the Indian Government in 1950 that it did not

accept the Indian Constitution, and in 1951 that a plebiscite on the issue had been 99.9 per cent in favour of independence. Both Mahatma Gandhi in 1946 and Nehru in 1952 had spoken in support of Naga self-determination, but Nehru had betrayed that position by sending occupying forces into the country in 1954 to pillage, rape and kill civilians. The whole population had been driven into the jungle or herded into concentration camps, and 150,000 had died over the next 10 years, yet the people's fierce resistance had never abated. A puppet Government had been set up in 1963 and sham elections held to give a semblance of legitimacy to the occupation. The fighting was still going on, however, after 41 years.

64. Indian reinforcements had been sent in 1995 and Burma had stepped up its own invasion in the east in a joint attempt with the Indian armed forces to crush the Nagas, who were, however, resisting ever more strongly under the leadership of the National Socialist Council of Nagaland. The issue was not one of secession, as the Indian Government claimed, but rather a constant refusal to relinquish independence. In the past three years more than 1,000 Nagas had been killed and thousands of others uprooted, and regard for human rights was non-existent. India and Burma were relentless in seeking a military victory, but Nagaland wanted a peaceful solution. It appealed to the United Nations to intervene to stop the extermination of the Naga people and uphold their inalienable right to self-determination, and it again asked the Sub-Commission to send a fact-finding mission to his country to see for itself what was taking place there.

65. Mr. Eide took the Chair.

66. Mr. SRIVASTAVA (International Institute for Non-Aligned Studies) said that Pakistan, a nation created for the protection of minority rights, was instead one of the worst violators on that score, with a consistent pattern of gross violation of the human rights of its own people. That was no coincidence, for politics based on religion bred intolerance of other faiths and led to the denial of national, ethnic and cultural identities of parts of the population.

67. The sectarian Islamisation of Pakistan was built into its legal system: article I of the Constitution, for instance, proclaimed that it was an Islamic Republic, thus making members of religious minorities second-class citizens; under the electoral system, minorities constituted a separate electorate, apart from the national mainstream, in a form of religious apartheid; under the judicial system, Shariah laws had been proclaimed and Shariah courts established, and that parallel judiciary compounded the problems of religious minorities. Such inbuilt discrimination had resulted in one of the lowest literacy rates for women anywhere in the world, as well as their social and economic bondage.

68. Political opposition was not tolerated, even though Pakistan proclaimed itself a democracy. Moreover, Pakistan practised State-sponsored terrorism in other countries, as evidenced by its involvement in the World Trade Centre bombing or the recent attempt on the life of the Egyptian President, and in the fomenting of violence in the Indian State of Punjab, as well as in Jammu and Kashmir since 1947. Although it gave lip service to self-determination, it consistently barred self-determination in Pakistan-occupied Kashmir by

disrupting the democratic electoral process there. Pakistani-trained Afghan terrorists were also being used to undermine the people's Sufi heritage, in an attempt to create a monolithic, orthodox, fundamentalist society alien to the Kashmiri's own liberal, multicultural identity. Pakistan was keeping the Kashmir issue alive to distract from its failure to achieve the development of its own people.

69. The international community must end its silence and persuade Pakistan to observe its international human rights obligations, to ratify the two human rights Covenants and to bring its laws and Constitution into line with international standards of minority rights. The Bhutto Government must acknowledge that human rights were not merely a slogan but a solemn commitment.

Statements equivalent to a right of reply

70. Mr. HASSAN (Observer for Sudan), said that in all 26 provinces in the country, in the south as well as in other areas, the people practised their rights at the national and local levels and were partners in the distribution of wealth. All the contentions of the representative of the Minority Rights Group were false.

71. It was true, however, that there were a large number of languages and religions in the country and that there were differences between the north and the south: hence the Government's policy of dialogue with a view to establishing peace, as evidenced in meetings held in Addis Ababa, Nairobi and elsewhere and the recent meeting with President Carter. The majority of the people belonged to the Muslim religion and observed the Shariah, yet those beliefs were not being used to persecute others, as had been claimed. There was great religious tolerance throughout the country. Muslims and Christians had held joint conferences, for instance, and the Pope had recently visited the country. The Copts were full citizens and participated fully in society and they had never been expelled from the civil service nor compelled to leave the country.

72. Before the Salvation Government, the Nuba had been attacked by rebels and bandits. The Government had merely restored law and order so that those inhabitants could receive medical care and resume farming. In the interim, flagrant violations of human rights had been committed by the rebel forces, but the Government was trying to re-establish normalcy and redistribute resources fairly.

73. The international community must not allow itself to be aroused against Sudan, but must support its efforts. Sudan stood ready to cooperate with the United Nations, even though it was opposed to the conclusions and recommendations of the United Nations Special Rapporteur on the Sudan, who was a supporter of the Sudanese opposition.

74. Mr. HUSSEIN (Observer for Iraq) said that he wanted to clarify the false statements of the representative of the International Committee for European Security and Cooperation.

75. That speaker was obviously unaware of the amnesty proclaimed only two days earlier for members of the opposition inside and outside Iraq, a decision that crowned the Government's efforts to remedy the country's problems as a result of the aggression and its consequences. Those who closely followed events in Iraq were aware of the constant government efforts to achieve national reconciliation, even with the opposition.

76. The provisions of the amnesty were the following: a general amnesty had been extended to Iraqis inside and outside the country against whom political judgements had been brought, and sentences for crimes committed for political reasons were rescinded, provided no other crimes had been committed. The offences excluded from the amnesty were spying, murder and fraud. Those amnestied could recover their property and could, by establishing contact with the appropriate authorities, return to the country after three months.

77. He wished to note that his delegation had responded to the speaker in question the previous year as well. He was well known to Iraqi diplomats as having been trained in Israel as a spy, and he did not in any way speak for the Iraqi people.

The meeting rose at 12.25 p.m.